IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA:

RFA.No.4/2000

Date of Decision :27.6.2007.

L.A.C. and another. …Appellants.

Versus:

Smt.Urmila Devi. …Respondents.

Coram:
The Hon'ble Mr.Justice Sanjay Karol, Judge.

Whether approved for reporting?[1]

For the appellants: Mr. Shrawan Dogra, Advocate.

For Respondents 1 to 3. Mr.Bhupinder Gupta, Sr. Advocate with Mr.Janesh Gupta, Advocate.

Sanjay Karol, J (Oral).

By way of the present appeal, the appellants have assailed the award dated 11th August, 1999 passed by Additional District Judge, Solan in Land Reference Petition No.2-S/4 of 1995. In terms of the said award, the reference petition filed by the respondents herein under

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[1] **Whether reporters of Local Papers may be allowed to see the judgment?**

Section 18 of the Land Acquisition Act (hereinafter referred to as the 'Act') has been allowed and the awarded amount of compensation has been enhanced from Rs. 285/- per square meters to Rs.500/- per square meters.

Perusal of the record shows that no reasons whatsoever have been given by the Addl. District Judge in arriving to the aforesaid conclusion. In fact, the only reasons given in the award are in para-17 which are reproduced as under:

> "It has been proved that the acquired land was developed plot and was adjoining to the road. Hence, I assess the market value of the acquired land as Rs.500/- per square meters and the petitioners are entitled to enhanced compensation at the rate of Rs.500/- per square meters with 30% solatium upon enhanced amount and interest of 12% from 29.6.1993 to 27.9.1994 upon the enhanced amount. Hence the issue decided accordingly."

Learned counsel for the parties agree that the award is not reasoned and the same is required to be remanded back, as such for fresh decision based on the material already on record. Accordingly, the impugned award is set aside. The matter is remanded back to the District Judge, Solan for consideration afresh and the Land Reference No.2-S/4 of 1995 titled as Smt. Urmila Devi and

others Vs. Land Acquisition Collector and others is restored.

Keeping in view the fact that the acquisition pertains to the year 1993, the District Judge, Solan, having jurisdiction to hear the matter, shall decide the reference, based on the material already on record, after affording due opportunity to the parties, as expeditiously as possible and not later than 31st December, 2007.

The parties through their learned counsel are directed to appear before the District Judge, Solan on 30th July, 2007.

(Sanjay Karol),
Judge.

June 27, 2007(R)